

**Re-Approval of a Commission Contract with the University of California, Davis, as well as All Other
Contracts Awarded under Request for Proposal (RFP) 500-08-503**

Under its Public Interest Energy Research (PIER) Program, the Energy Commission approved contract 500-10-028 with the University of California (U.C.), Davis, at a Business Meeting on December 1, 2010. The contract has not yet been executed (i.e., signed by the parties and approved by the Department of General Services). This is one of 9 contracts awarded under Request for Proposal 500-08-503, Technology Innovations for Buildings and Communities II or TIBC II (please refer to the list at the end of this document). The other contracts have also already been approved at previous Commission Business Meetings.

After the Commission approved the U.C. Davis contract, the Commission's new conflict-of-interest protocol revealed a situation that needs to be disclosed on the record before the contract is executed in order to prevent a conflict of interest from occurring. This protocol was implemented at the direction of former Chairman Karen Douglas and Executive Director Melissa Jones in August 2010. It goes beyond what is required in state law, including the Public Reform Act, by requiring staff to complete an additional questionnaire any time he or she is involved in the development of any award to consider whether he or she has any financial interests in the parties to the award.

Energy Commission employee Golam Kibrya is a Senior Mechanical Engineer employed in the Public Interest Energy Research (PIER) Program. For the past 4 years he has annually taught a one-day course at the U.C. Davis Extension (Extension) involving solar technology for which he has received between \$500-\$1,000 per course in income. A department at U.C. Davis completely separate from the Extension applied for funding under TIBC II. Mr. Kibrya served on TIBC II's scoring team.

The law recognizes that a financial interest in one department of a large government entity, such as a U.C. campus, does not create a conflict of interest relative to another department of the same government entity if the interest is known by the awarding body and noted in its official records (Government Code § 1091.5(a)(9)). The purpose of re-approving the agreement with U.C. Davis as well as all of the other contracts awarded under TIBC II is to comply with this section. In addition, Mr. Kibrya will not manage the U.C. Davis contract or any of the other contracts awarded under TIBC II.

Before Mr. Kibrya began teaching the course at the Extension, he did affirmatively consult with the Energy Commission's Chief Counsel's Office about whether teaching the course posed an incompatible activity. Based on the participants' recollection, that conversation, which took place prior to the development of 500-08-503, was focused on whether Mr. Kibrya might be perceived to have divided loyalties or other non-financial conflicts of interest with the University. Unfortunately, the potential financial conflict of interest with a specific contract was not addressed, likely because the solicitation and resulting awards were not yet in existence.

The Energy Commission takes real and perceived conflict-of-interest situations very seriously. The Commission's new protocol requires all Commission employees to complete a conflict-of-interest questionnaire prior to preparing solicitations, scoring submitted proposals, or managing resulting awards. As this situation illustrates, this new protocol will likely put the Energy Commission at the forefront of other state agencies in proactively ensuring that conflicts of interest in contracting are prevented.

Agreements Being Re-Approved Under RFP 500-08-503

Entity	Contract #	Project
University of California, Davis	500-10-028	Integrated Retrofit Solutions for Untapped Markets
Gas Technology Institute	500-09-044	Advanced Foodservice Appliances for California Restaurants
Institute for Sustainable Building Performance (DBA) Institute for the Sustainable Performance of Buildings	500-09-046	Education Software for Workforce Development
E-Source Companies, LLC	500-10-013	Building Technologies Technical Briefs and Market Outreach
Bruce Wilcox, P.E.	500-10-014	Central Valley Research Home Program
Davis Energy Group	500-10-015	Large Scale Residential Retrofit Program
Benningfield Group	500-10-019	Unique Multifamily Code Relevant Measures-2014
Electric Power Research Institute, Inc.	500-10-022	Using Advanced Power Electronics to Save Energy in Consumer Electronics and Motorized Appliances
The Regents of the University of California, San Diego	500-10-025	Natural Ventilation for Energy Savings in California Commercial Buildings